



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,519	05/25/2000	Atul Mishra	FN-3014	9353

7590

08/29/2003

BARTON E. SHOWALTER, ESQ.  
BAKER BOTTS LLP  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

HUETTLER, RUDOLF F

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 08/29/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

4

# Office Action Summary

Application No.

09/580,519

Applicant(s)

MISHRA ET AL.

Examiner

Rudolf F Huettler

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/12/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5. 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 6 of Background. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
2. The disclosure is objected to because of the following informalities: On page one of the Disclosure, under section titled "Cross-Reference to Other Application", two filing dates "5/26/99" are listed consecutively. It is unclear if this is an error or if there was another application submitted on 5/26/99. Appropriate correction is required.
3. The disclosure is objected to because of the following informalities: Disclosure contains inappropriate footer of "App'n of Fujitsu Network Communications, Inc.: FN-3014". Please remove all instances. Appropriate correction is required.

### ***Claim Objections***

4. Claims 1 and 2 are objected to because of the following informalities: Claims 1 claims a "software/computer" system. Clarification is needed as to what is being claimed; is a software system or computer system being claimed? For purposes of

Art Unit: 2141

applying art, a combination of a computer system and software system is being assumed. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsieh et al (6,512, 824).

a. As per Claims 1 and 2, Hsieh discloses a computer and software system for managing telecommunication network elements, comprising: one or more operator-driven processes which monitor and manage network elements in real time, using at least one telecommunications network control channel (col. 2, lines 50-63; col. 5, lines 16-20); a database which reports attributes of one of said network elements in response to queries from one of said operator driven processes (col. 5, lines 5-14; col. 3, lines 2-5); and one or more background processes which monitor communications over said channel and which parse all communications which imply network element status

Art Unit: 2141

changes and which dynamically update said database accordingly, in real time (col. 6, lines 17-21, 30-40; col. 5, lines 32-42).

b. As per Claim 3, Hsieh discloses a method for maintaining a network element database, comprising: monitoring communications between a network element manager and a plurality of network elements over at least one telecommunication network control channel (fig. 1); storing configuration status information regarding the plurality of network elements at a database associated with the network element manager (col. 5, lines 5-15); parsing messages received from one or more of plurality of network elements, which include updated configuration status information regarding the one or more of the plurality of network elements; and dynamically updating portions of the configuration status information with portions of the updated status information (col. 5, lines 32-42; col. 3, lines 22-32).

c. As per Claim 4, Hsieh discloses the method of Claim 3, further comprising: periodically repeating steps of parsing the message and dynamically updating the portions of the configuration status information (col. 5, lines 35-41; col.12, lines 38-44).

d. As per Claim 5, Hsieh discloses the method of Claim 3, further comprising: Receiving a query for current configuration data regarding a particular one of the plurality of network elements; and providing dynamically updated configuration status

Art Unit: 2141

information regarding the particular one, in response to the query (fig. 5A; col. 10, lines 15-20, 49-54; col.6, lines 30-40).

e. As per Claim 6, Hsieh discloses the method of Claim 3, further comprising:

A graphical representation of the database as a web based graphical user interface (GUI) that provides an interface for EMS services; and thereby dynamically updating the graphical representation with dynamically updated status information regarding one or more of the plurality of network elements (fig. 1; col. 8, lines 5-19).

f. As per Claim 7, Hsieh discloses a telecommunications network element manager, comprising: network elements using at least one telecommunication network control channel; a processor being operable to monitor communications received at the interface; a memory being operable to store configuration status information regarding the plurality of network elements; the processor further operable to parse messages received from one or more of the plurality of network elements, which include updated configuration status information regarding the one or more of the plurality of network elements (col. 5, lines 5-15); and the processor further operable to dynamically update portions of the configuration status information with portions of the updated status information (col. 3, lines 22-32; col. 5, lines 28-41).

g. As per Claim 8, Hsieh discloses the telecommunications network element manager of Claim 7, wherein the processor is further operable to repetitively parse the

Art Unit: 2141

messages and dynamically update the portions of the configuration status information (col. 5, lines 35-41; col.12, lines 38-44).

h. As per Claim 9, Hsieh discloses the telecommunications network element manager of Claim 7, wherein the processor is further operable to receive a query for current configuration data regarding a particular one of the plurality of network elements, and provide dynamically updated configuration status information regarding the particular one, in response to the query (fig. 5A; col. 10, lines 15-20, 49-54; col.6, lines 30-40).

i. As per Claim 10, Hsieh discloses the telecommunications network element manager of Claim 9, further comprising a graphical user interface by providing a web GUI that interfaces to the EMS; and wherein the dynamically updated configuration status information is provided to a user at the graphical user interface (fig. 1; col. 8, lines 5-19).

j. As per Claim 11, Hsieh discloses the telecommunications network element manager of Claim 7, further comprising a graphical user interface being operable to present a graphical representation of the database to a user; and wherein the processor is further operable to dynamically the graphical representation with dynamically updated status information regarding one or more of the plurality of network elements (fig. 1; col. 8, lines 5-19).

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Davis et al. (6477566) teaches a telecommunications Network Element Management System using the concept of data templates.

b. Barker et al. (6363421) teaches a telecommunications Network Element Management System that can be managed remotely via Internet.

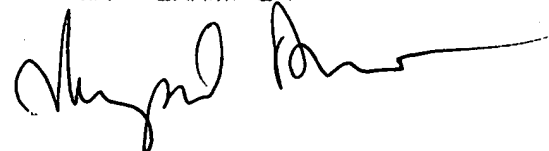
c. Grant et al. (6222827) teaches a telecommunications Network Element Management System using the concept of data templates.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rudolf F Huettler whose telephone number is 703-305-2738. The examiner can normally be reached on Mon -Fri (8am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

**RUPAL DHARIA**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Rupal Dharia', written over the printed name and title.



Application/Control Number: 09/580,519

Art Unit: 2141

Page 8